

# Wagner cleared of 'double dipping'

Attorney general's ruling sides with Dover lawmaker

By Drew Volturo  
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DOVER — The state attorney general's office has ruled that a Dover lawmaker and former Capital School District teacher was permitted to use a duty-free planning period to attend to legislative matters.

In a May 31 opinion issued by Deputy Attorney General Frank N. Broujos and released Monday, the district's contract language did not prohibit Rep. Nancy H. Wagner, R-Dover, from using the period for something other than planning or teaching activities.

Rep. Wagner has been accused of "double dipping"

— drawing two state salaries at the same time, acting as a teacher and legislator at concurrent times.

Newark resident and former Dover High driver's education teacher Robert P. Reeder filed a suit last year, stating that the period is intended to be a paid planning period, noting the Capital School District teachers' contract states that the "primary function" of the period is for in-school planning.

But in the opinion, Mr. Broujos wrote that "the contract does not prohibit a teacher from engaging in non-planning/non-teaching activities during the 'duty-free planning period.'"

Rep. Wagner said she hopes the attorney general's opinion puts to rest any concerns raised during the past year.

"It's clear that the allegations are unsubstantiated," Rep. Wagner said. "Hopefully that will put it to rest. This seems pretty conclusive to me."

The opinion was released by state Auditor R. Thomas Wagner

Jr. as part of his annual dual employment audit for fiscal 2006.

The report, Mr. Wagner said, details whether there are discrepancies in calculating hours between a lawmaker's full-time job and their work as a legislator.

"Every time we do it, there is going to be some miscalculation," Mr. Wagner said. "It can be as much of a miscalculation from the administrative side as it could be from the legislator's side."

The audit turned up \$851.43 in dual employment payouts to five lawmakers, four of which already have been refunded and one that is "in the mail."

Mr. Wagner said none of the discrepancies appeared to be deliberate on the legislator's part.

Rep. Wagner owed \$19.03 for a half-hour miscalculation for fiscal 2006, and she said she mailed a check for that amount Monday.

Sen. Margaret Rose Henry, D-Wilmington, had a discrepancy of 10.25 hours, or \$427.83, with Delaware Technical & Community College, where she is acting

dean of student services.

Rep. Vincent A. Lofink, R-Bear, owed \$210.23 for 4.75 hours not recorded 'properly with New Castle County Vocational Technical School District, where he is a school-to-work coordinator.

And two Department of Labor employees owed \$42.37 and \$151.97 for timekeeping problems.

Mr. Wagner said he did not know the names of the two labor department workers and he could not reach the auditor who prepared the report Monday afternoon.

Three legislators — Senate Majority Leader Sen. Anthony J. DeLuca, House Minority Whip Rep. Helene M. Keeley and Rep. John J. Viola, all upstate Democrats — work for the department.

In all instances, the state agencies adjusted the legislators' pay, compensation time or leave.

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Nancy H. Wagner